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APR 14 2008 *aw*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT  
APR 14 2008

ANDRE BURNETT  
#2006-0001798

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

vs.

TOM DART, Sheriff, Cook  
COUNTY Jail, OFF. HOLDER,  
LT. JULIAN, SGT. ROBINSON,  
Division 5, John Muller,  
C.R.W. Superv, Divisions

Case No: \_\_\_\_\_  
(To be su\_\_\_\_\_)

08cv2109  
JUDGE GOTTSCHALL  
MAG. JUDGE COX

**FILED**

**JUNE 3, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

**CHECK ONE ONLY:**

☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**  
U.S. Code (state, county, or municipal defendants)

☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**  
**28 SECTION 1331 U.S. Code (federal defendants)**

☐ **OTHER (cite statute, if known)**

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**I. Plaintiff(s):**

- A. Name: ANDRE BURNETT #2006-0001798
- B. Date of Birth: 6-19-68
- C. List all aliases: WILLIAM BURNETT, KEITH BURNETT
- D. Prisoner identification number: 2006-0001798
- E. Place of present confinement: COOK COUNTY JAIL
- F. Address: P.O. BOX 089002 CHICAGO IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, date of birth, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: TOM DART  
 Title: SHERIFF  
 Place of Employment: COOK COUNTY Dept. of Corr.
- B. Defendant: L.T. JULIAN  
 Title: LEUTENANT C/O  
 Place of Employment: DIV. 5, COOK COUNTY JAIL
- C. Defendant: SGT ROBINSON  
 Title: CORR./OFF. SGT.  
 Place of Employment: DIV. 5, COOK COUNTY JAIL

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. Defendant: % HOLDER

Title: Correctional OFFICER

Place of Employment: Cook County Jail, Division 5

E. Defendant: John Muller

Title: Supervisor, C.R.W.

Place of Employment: Cook County Jail, Divisions

**III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:**

- A. Name of case and docket number: N/2
- B. Approximate date of filing lawsuit: N/2
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/2
- D. List all defendants: N/2
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/2
- F. Name of judge to whom case was assigned: N/2
- G. Basic claim made: N/2
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/2
- I. Approximate date of disposition: N/2

**IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.**

#### IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On October 22, 2007 (Tuesday) in Division 5, tier 2G in a three man cell in which is designed for two men, Plaintiff/detainee Burnett got into a Confrontation with his unconstitutional third cellmate Richard Ratubwski On or about 6:30pm on the above date which was a visiting day.

Plaintiff/detainee Burnett contends that his second cellmate in our unconstitutional three man cell Carlos Thunderbird #2007-005470 had left on a visit. Fifteen to twenty minutes later detainee involved in this confrontation, Richard Ratubwski was called on a visit too. Plaintiff/detainee Burnett's 2nd cellmate C. Thunderbird came from his visit first and plaintiff 3rd cellmate subsequently returned to our cell without reporting our confrontation. On Wednesday October 23, 2007 at exactly 1420pm, 20 hours and 20 minutes Richard Ratubwski decided to

report Our Confrontation to C/O Ms. Holder  
 Where as Plaintiff/detainee Burnett was  
 then Charge With Charge Code: 601, 602, 610  
 and 206 all above Codes are relative to  
 Sexual misconduct charges. Defendant C/O  
 Ms. Holder wrote a disciplinary ticket against  
 plaintiff and notified her Supervisor Defendant  
 Lt. Pulian briefly questioned plaintiffs 3rd  
 Cellmate and Lt. Pulian Subsequently handcuffed  
 plaintiff, and defendant Sgt. Robinson also on the  
 scene escorted plaintiff to clothing room in  
 division 5 and confiscated plaintiffs T-shirt,  
 underwear, Sox and plaintiffs doctor's prescription  
 Order #20000 Shoes and placed in a paper bag  
 and stapled bag while plaintiff was standing naked  
 on sheet and clothing was documented and sent  
 to internal investigations. Everything that is  
 reportedly written on the disciplinary ticket  
 Concerning Description of Incident was not how  
 the initial incident transpired because plaintiff  
 was not immediately placed in isolation or segregation  
 but plaintiff was taken to 2B another regular tier  
 until October 31, 2007, when plaintiff heard the

#### IV. STATEMENT OF CLAIM (CONT.):

Disciplinary ticket where as plaintiff pled not guilty.

Since October 23, 2007 after being placed on tier 2B, plaintiff was denied his doctor ordered double mattress permit and doctor Ordered (special) shoe prescription.

Plaintiff was found guilty as charged by the Hearing Board on alleged Description of Charge Code 601 and given 29 days in Segregation beginning date: October 31, 2007, and ending date: November 28, 2007. Plaintiff signed disciplinary ticket after Officer's written down Plaintiffs statements denying the charge(s) against him, although there was no immediate medical attention given to 3rd Cellmate involved in this allege incident. No victim/detainee report was given concerning this allege incident, no materials was confiscated, no D.N.A. taken or was found on either party involved in this incident. Only plaintiff Burnett's belongings was placed in evidence and under investigation, Contrary to what was written, Plaintiff contends that he has been in severe pain as a result of the defendant's continual possession of doctor's prescription Order's permitting plaintiff to have a double mattress since 2006 and permit to have his shoes.

The above incident has been resolved as of November 28, 2007 without any other charges or further

## (STATEMENT OF CLAIM) Cont.:

Prosecution brought against plaintiff Burnett.

Since October 31, 2007 plaintiff has also been denied the double mattress in which a doctor's prescription had already been written for. Plaintiff Burnett is 5'11" and weigh 305 lbs. Plaintiff Burnett has Orthopedic Pins in both of his hips which is already documented in doctor's reports here at Cook County Jails dispensary and Cermak Medical Services and make it hard to walk in the shoes that Cook County Sheriff's issue after the confiscation and the pain is unbearable without the shoes that doctor's permitted plaintiff to wear.

Plaintiff has grieved and continue to grieve and have exhausted all of his administrative remedies concerning the return of the doctor prescribed items where as of this date he is still given the runaround as to whom has custody of his shoes. It is documented on answers to the many grievances written by plaintiff Burnett that the above name defendant's of the Sheriff's department, or Internal Affairs Department internal investigation are claiming responsibility as having prescribed shoes in their custody.

Plaintiff first grievance was written on or about February 12, 2008 and was passed off as a request by C.R.W. Mr. Martinez, Social Worker of



## (STATEMENT OF CLAIM) cont.:

Division eleven where plaintiff has been housed.

On March 5, 2008 Ms. Houskins plaintiff's new C.R.W. stated to plaintiff Barnett after receiving new Grievance to the Superintendent of Division Five, which was given, Part A, Control or Route Number 2008X0304. Concerning the above Number, a response was given via way of Part B, Control Number or Route Number by Superintendent Gary Hickerson of Division Five and his response statement was as follows:

Inmate Barnett's property was submitted to I.A.D. for further investigation and was signed and dated by above Superintendent on February 19, 2008 and plaintiff/detainee Barnett received this response on March 12, 2008 and

On March 12, 2008 plaintiff appealed the answer of the Superintendent who also stated that this Grievance was not an emergency.

The Appeal Board denied accepting plaintiff/detainee Barnett's request and stated that plaintiff Barnett should submit a request to I.A.D. for the return of his property and/or file a Claim for lost property. This was signed and dated on April 1, 2008 by defendant John Muller C.R.W. Supervisor and Appeal Board member. Plaintiff received the response to the above appeal board denial on April 2,

## (STATEMENT OF CLAIM) cont.:

2008.

Plaintiff Burnett Submitted a third Grievance at the request of C.R.W. Ms. Houskins on March 17, 2008 and she processed Grievance on March 18, 2008 in which Grievance was referred to I.A.D. and given a Control Part A number or Route number 2008 X 0495 Stating Emergency Requiring Prompt Action again Complaining that plaintiff had doctor prescription orders and this matter had been resolved since November 28, 2007 and plaintiff Burnett Suffers from Osteoarthritis and his bone(s) is deteriorating and plaintiff will soon have to have hip replacement surgery, and plaintiff Burnett is constantly in pain and can barely walk and on the above Grievance all plaintiff Burnett was only simply asking just the return of his shoes or be compensated for the price of his shoes and give plaintiff Burnett double mattress back by or according to doctor's prescribed order. Part B, Control number or Route number 2008 X 0495 response by I.A.D. Stated that this was not an I.A.D. investigation and that this case was handled by the Sheriff's Police, Signed and dated on March 28, 2008 by I.A.D., Capt. T. Everhart, Sr. On April 2, 2008, and Signed by defendant John Muller again on March 31, 2008 whom defendant J. Muller is possibly now sitting on the board at I.A.D. ....

(Ed)

(STATEMENT OF CLAIM) cont. :

Plaintiff asserts to this Court that defendant John Muller requested that plaintiff Burnett submit grievances and appeals to Appeal Board's and I.A.D. and defendant John Muller seems to sit as Member on all the above Boards and deny plaintiff's grievances and appeals.

Plaintiff Burnett received response on April 2, 2008 from C.R.W. Ms. Houskins and she told plaintiff to write another grievance to her Supervisor defendant John Muller because Ms. Houskins did not know what else to tell plaintiff Burnett to do at this point.

Plaintiff thought that it is pointless to keep grieving to defendant John Muller when plaintiff get same response from defendant John Muller, I.A.D., and Superintendent of Division S.

**V. Relief:**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff Demands Compensatory damages in the amount  
of: Two Hundred Fifty Thousand dollars (\$250,000) each  
defendant. Plaintiff Demands Punitive Damages in  
the amount of: Six Hundred Thousand dollars (\$600,000)  
each defendant. for pain and suffering and the  
return of my \$200<sup>00</sup> doctor prescription ordered shoes.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

**CERTIFICATION**

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this APRIL day of 8, 2008

Andre Burnett

(Signature of plaintiff or plaintiffs)

ANDRE BURNETT

(Print name)

2006-0001798

(I.D. Number)

DIVISION ELEVEN

P.O. BOX 089002

CHICAGO, IL 60608

(Address)